

## REVISED NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL  
TUESDAY, JULY 15, 2008  
COUNCIL CHAMBERS, 456 W. OLIVE AVE.  
SUNNYVALE, CALIFORNIA

### 5:00 P.M. SPECIAL JOINT CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING (Study Session)

#### Joint City Council and Redevelopment Agency Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Joint Study Session
  - **Update on Latest Plans for Downtown Sunnyvale Project and discussion of possible amendments to the Amended and Restated Disposition and Development and Owner Participation Agreement (ARDDOPA) and Special Development Permits for the project.**
4. Public Comments
5. Adjourn Special Joint City Council and Redevelopment Agency Meeting

### 6:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

#### City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
  - **Conference with Real Property Negotiator, pursuant to Government Code §54956.8. Properties: Kasik Parcel and Tasman Parcel. Negotiating Parties: Amy Chan (City); Andy Kasik (Kasik Parcel); Susanna Pau (Tasman Parcel). Under Negotiation: Price and Terms of Payment.**
4. Adjourn Special Meeting

### 7 P.M. COUNCIL MEETING

*Pursuant to Council Policy, the City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein could be subject to change from date of printing of the agenda to the date of the meeting.*

*Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours, posted online with the agenda the day following the meeting, and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.*

**SALUTE TO THE FLAG**

**ROLL CALL**

**SPECIAL ORDER OF THE DAY– Ceremonial Oaths for Newly Appointed Board and Commission Members**

**CLOSED SESSION REPORT FOR JULY 15, 2008**

Conference with Real Property Negotiator, pursuant to Government Code §54956.8. Properties: Kasik Parcel and Tasman Parcel. Negotiating Parties: Amy Chan (City); Andy Kasik (Kasik Parcel); Susanna Pau (Tasman Parcel). Under Negotiation: Price and Terms of Payment.

**PUBLIC ANNOUNCEMENTS**      *Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

**CONSENT CALENDAR**

- 1.A. MOTION      Approval of Draft Minutes of June 10, 2008
- 1.B. MOTION      Approval of Information/Action Items – Council Directions to Staff

**Fiscal Items**

- 1.C. MOTION      List of Claims and Bills Approved for Payment by the City Manager – Lists  
RTC 08–218      No. 407, 408 & 409

Staff Recommendation: Council reviews the attached lists of bills.

Staff Contact: Mary Bradley, (408) 730-7398

- 1.D. RESOLUTION      Adoption of a Resolution Setting a Public Hearing to Establish the  
MOTION      Fiscal Year 2008/2009 Wastewater Charges for Properties Located  
RTC 08–202      Outside the City

Staff Recommendation: Council adopts the Resolution, to set a public hearing for July 22, 2008 to establish the Fiscal Year 2008/2009 wastewater charges for properties located outside the City.

Staff Contact: Tim Kirby, (408) 730-2712

**Contracts**

- 1.E. MOTION      Award of Request for Proposals No. F0706-98 for Engineering Services  
RTC 08–211      Related to the Wolfe Road Caltrain Overcrossing Rehabilitation Project

Staff Recommendation:

- Council awards a contract in substantially the same form as the attached draft and in an amount of \$245,000 to HNTB Corporation for engineering services as related to the Wolfe Road Caltrain Overcrossing Rehabilitation Project; and
- Council approves a design contingency in the amount of \$36,750.

Staff Contact: Mary Bradley, (408) 730-7398

- 1.F. MOTION Award of Bid No. F0705-97 for the Performing Arts Center and Creative  
RTC 08–213 Arts Center HVAC Upgrade and Roof Replacement Project

Staff Recommendation:

- Council awards a contract, in substantially the same form as the attached draft and in the amount of \$940,000 to IMR Contractor Corporation for the Performing Arts Center and Creative Arts Center HVAC upgrade and roof replacement; and
- Council approves a project contingency in the amount of \$141,000.

Staff Contact: Mary Bradley, (408) 730-7398

- 1.G. MOTION Award of Bid No. F0705-93 for Ortega Well Rehabilitation and Approval of  
RTC 08–212 Budget Modification No. 2

Staff Recommendation:

- Council awards a contract, in substantially the same form as the attached draft and in the amount of \$156,237, to Layne Christensen Company for the rehabilitation of Ortega well;
- Council approves a project contingency in the amount of \$39,059; and
- Council approves Budget Modification No. 2.

Staff Contact: Mary Bradley, (408) 730-7398

- 1.H. MOTION Authorization to Extend Three (3) Existing Contracts for On-Call Plan  
RTC 08–219 Review and Inspection Services (F0706-102)

Staff Recommendation:

- Council authorizes the renewal of an existing contract with CSG Consultants Incorporated, in substantially the same form as the attached draft, with expenditures of 200,000 through July 26, 2009;
- Council authorizes the renewal of an existing contract with 4Leaf Incorporated, in substantially the same form as the attached draft, with expenditures of \$200,000 through July 10, 2009; and
- Council authorizes the renewal of an existing contract with Shums Coda Associates, in substantially the same form as the attached draft, with expenditures of \$200,000 through July 10, 2009.

Staff Contact: Mary Bradley, (408) 730-7398

- 1.I. MOTION Columbia Neighborhood Center Expansion Project – Memorandum of  
RTC 08–224 Understanding and Community Development Block Grant Funds  
(CDBG) Agreement Between the City of Sunnyvale and Sunnyvale  
School District

Staff Recommendation:

- Council approves the Memorandum of Understanding with Sunnyvale School District for expansion of Columbia Neighborhood Center as depicted by Attachment A of the staff report.
- Council approves the Community Development Block Grant Funds (CDBG) Agreement between the City of Sunnyvale and Sunnyvale School District for expansion of the Columbia Neighborhood Center as depicted by Attachment B of the staff report.

Staff Contact: Angela Chan, (408) 523-8150

**Other Items**

- 1.J. RESOLUTION Adoption of a Resolution Vacating a 10-foot Wide Public Utility  
MOTION Easement at 974 East Arques Avenue  
RTC 08-204

Staff Recommendation: Council adopts the Resolution vacating the 10-foot wide Public Utility Easement at 974 East Arques Avenue and authorizes the City Clerk to cause a certified copy of the Resolution to be recorded with the county recorder's office.

Staff Contact: Bennett Chun, (408) 730-7636

- 1.K. MOTION Appointment to the Santa Clara Valley Transportation Authority (VTA)  
RTC 08-208 Bicycle and Pedestrian Advisory Committee (BPAC)

Staff Recommendation: Council appoints David Simons to serve a two year term on the VTA BPAC.

Staff Contact: Jack Witthaus, (408) 730-7330

- 1.L. ORDINANCE Adoption of Ordinance No. 2873-08 Adding Chapter 5.48 (State Video  
No. 2873-08 Franchises) to Title 5 (Business Licenses and Regulations) of the  
Sunnyvale Municipal Code Relating to Regulations for the Provision of  
Video Service by State Franchise Holders

Staff Recommendation: Council approves second reading of Ordinance No. 2873-08.

Staff Contact: David Kahn, (408) 730-7464

**STAFF RESPONSES TO  
PRIOR PUBLIC  
COMMENTS**

*Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments*

**PUBLIC COMMENTS**

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

**PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION Reconsideration of Vote on Study Issues Process (Study Issue) from  
RTC 08-180 June 24, 2008

MOTION: Councilmember Howe moved and Councilmember Moylan seconded to approve staff recommendation for Alternative A.1 Study Issue Sponsorship: Require that a proposed study issue receive the support of three councilmembers in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. An action item to propose study issues would be added to Council agendas two meetings per year and they can be open sessions.

VOTE: 5-1 (Councilmember Whittum dissented; Mayor Spitaleri absent)

3. MOTION Request by applicant for Continuance of 2008-0238 – Dale Meyer  
RTC 08-203 Associates [Applicant] Nikoley Richard L and Beatrice F [Owner]:  
Application for related proposals for a property located at 127 W.  
California Avenue (near N. Murphy Avenue) in an R-3 (Medium Density  
Residential) Zoning District (APN: 204-043-007). Rezone from R-3  
(Medium Density Residential) to R-3/PD (Medium Density  
Residential/Planned Development) Zoning District, Special  
Development Permit to allow 5 residential townhomes, Tentative Map  
to subdivide one lot into five lots and one common lot.

Staff Recommendation: Council continues indefinitely.

Staff Contact: Surachita Bose, (408) 730-7443

4. ORDINANCE 2008-0148 – Goodwill Industries [Applicant] Dicks Lakewood  
MOTION Corporation [Owner]: Application for related proposals located at 1119  
RTC 08-223 Lawrence Avenue (near Lakehaven Drive) in a C-1/PD (Neighborhood  
Business/Planned Development) Zoning District (APN: 110-23-110)
  - Rezone to consider an amendment to Title 19 of the Sunnyvale Municipal Code to allow donation trailers in the C-1 Zoning District;
  - Special Development Permit to allow a donation trailer to be located onsite.

Staff Recommendation:

- Council allows donations centers in the C-1 Zoning District on sites of 4 acres or more with approval of a Use Permit;
- Council removes the 1.5-mile separation requirement for donation centers;
- Council requires all donation centers to be reviewed by the Planning Commission;
- Council adopts a Council Policy on Donation Trailers for Used Goods; and
- Council approves the Special Development Permit with conditions.

Staff Contact: Mariya Hodge, (408) 730-7659

5. MOTION Residential Water Metering Study Issues DPW 01 and DPW 05, and  
RTC 08-206 Related Revision to Council Policy 3.1.2 *Metering of Water Utilities for Residences*

Staff Recommendation: Council revises Council Policy 3.1.2 *Metering of Water Utilities for Residences* to comprehensively address metering of water utilities for all residential uses, placing water meters in the public right-of-way where possible and reasonable, requiring individual water meters in compliance with municipal code, and using master water meters where necessary to monitor private water systems.

Staff Contact: Jim Craig, (408) 730-7558

### **NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- Approved Minutes of the Housing and Human Services Commission meeting of April 16, 2008
- Approved Minutes of the Housing and Human Services Commission meeting of May 28, 2008
- Approved Minutes of the Heritage Preservation Commission meeting of June 4, 2008
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission of June 19, 2008
- Draft Minutes of the Housing and Human Services Commission meeting of June 25, 2008
- Draft minutes of the Heritage Preservation Commission meeting of July 2, 2008
- Study Session Summary – Update on Paramedic Services – June 24, 2008
- RTC 08-205 Board and Commission Resignation (Information Only)
- RTC 08-214 Vacancy and Rent Survey (Information Only)

### **ADJOURNMENT**

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#### **Notice to the Public:**

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

## **GUIDELINES FOR ADDRESSING THE CITY COUNCIL**

### **Public Announcement – Beginning of Council Meeting**

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

### **Public Hearing – Order of Hearing as Follows:**

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

### **Public Comments**

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.

### **Planning a presentation for a City Council/Planning Commission meeting?**

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

### **Planning to present materials to Council?**

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

### **SCHEDULED COUNCIL MEETINGS**

<b>DATE</b>	<b>MEETING</b>	<b>TIME</b>	<b>PLACE</b>
July 15, 2008	Council Meeting	7 p.m.	Council Chambers
July 22, 2008	Council Meeting	7 p.m.	Council Chambers
August 12, 2008	Council Meeting	7 p.m.	Council Chambers
August 19, 2008	Council Meeting	7 p.m.	Council Chambers
September 9, 2008	Council Meeting	7 p.m.	Council Chambers
September 16, 2008	Council Meeting	7 p.m.	Council Chambers
September 30, 2008	Council Meeting	7 p.m.	Council Chambers

### **OTHER SCHEDULED MEETINGS**

July 16, 2008	Administrative Hearing	2 p.m.	West Conf. Room
July 16, 2008	Arts Commission	7 p.m.	Council Chambers
July 17, 2008	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf. Room
July 21, 2008	Personnel Board	5 p.m.	Council Chambers
July 23, 2008	Housing & Human Services Commission	7 p.m.	West Conf. Room
July 28, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
July 28, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
July 30, 2008	Administrative Hearing	2 p.m.	West Conf. Room
August 4, 2008	Board of Library Trustees	7 p.m.	Council Chambers
August 6, 2008	Heritage Preservation Commission	7 p.m.	West Conf. Room
August 11, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
August 11, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
August 13, 2008	Administrative Hearing	2 p.m.	West Conf. Room
August 13, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
August 20, 2008	Arts Commission	7 p.m.	Council Chambers
August 27, 2008	Housing & Human Services Commission	7 p.m.	West Conf. Room
September 10, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
September 17, 2008	Arts Commission	7 p.m.	Council Chambers
October 8, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers

### **CHANNEL 15 – KSUN**

July 15, 2008	City Council Meeting – Live	7 p.m.
July 16, 2008	City Council Meeting – Replay of July 15, 2008	7 p.m.
July 20, 2008	City Council Meeting – Replay of July 15, 2008	4 p.m.
July 22, 2008	City Council Meeting – Live	7 p.m.
July 23, 2008	City Council Meeting – Replay of July 22, 2008	7 p.m.
July 27, 2008	City Council Meeting – Replay of July 22, 2008	4 p.m.
August 12, 2008	City Council Meeting – Live	7 p.m.
August 13, 2008	City Council Meeting – Replay of August 12, 2008	7 p.m.
August 17, 2008	City Council Meeting – Replay of August 12, 2008	4 p.m.
August 19, 2008	City Council Meeting – Live	7 p.m.
August 20, 2008	City Council Meeting – Replay of August 19, 2008	7 p.m.
August 24, 2008	City Council Meeting – Replay of August 19, 2008	4 p.m.
September 9, 2008	City Council Meeting – Live	7 p.m.
September 10, 2008	City Council Meeting – Replay of September 9, 2008	7 p.m.
September 14, 2008	City Council Meeting – Replay of September 9, 2008	4 p.m.
September 16, 2008	City Council Meeting – Live	7 p.m.
September 17, 2008	City Council Meeting – Replay of September 16, 2008	7 p.m.
September 21, 2008	City Council Meeting – Replay of September 16, 2008	4 p.m.
September 30, 2008	City Council Meeting – Live	7 p.m.
October 1, 2008	City Council Meeting – Replay of September 30, 2008	7 p.m.
October 5, 2008	City Council Meeting – Replay of September 30, 2008	4 p.m.